



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,144	01/22/2002	Ping Yang	03-12863	9196

25189 7590 10/21/2004
CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA, CA 90401-1211

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,144

Applicant(s)

YANG, PING

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 20041007.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

During a telephone conversation with Mr. Andrew Jordan (Reg. # 33,917) on 06 October 2004, a provisional election was made without traverse to prosecute the invention filed in a preliminary amendment on 13 March 2003 of Claims 1-9 and 13-27. Affirmation of this election must be made by the Applicant in replying to this Office action. Claims 9-11 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Regarding the preliminary amendment filed on 13 March 2003, this preliminary amendment canceled Claim 13 resulting in renumbering of Claims 14-28 as 13-27 under 37 CFR 1.126.

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

- 1. Claims 1-4 and 13-15 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.**

The claims are directed to a process that does nothing more than manipulate an abstract idea. Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea. There is no practical application in the technological arts to support the core invention. For subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. See *In re Alappat* 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond V. Diehr*, 450 U.S. at 192, 209 USPQ at 10). A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result: i.e. the method recites a step or act of producing something that is concrete, tangible and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 1-8 and 12-27 are rejected under 35 USC 103(a) as being unpatentable under Hall et al. (patent number 6,026,375 hereinafter referred to as "Hall"), in view of Stevens (patent number 6,480,758).**

Hall teaches systems and methods that enable service providers to expedite services to customers in a mobile environment and directing a mobile customer, using geographic routing information, to the nearest facility that can provide the goods or services ordered by the mobile customer (see at least abstract; Fig. 1; col. 1, lines 5-8). Hall further teaches:

- Receiving route information from a buyer; generating a route from a buyer: receiving mobile customer location information using global positioning system (GPS); tracking customer's route to estimate time of arrival (see at least col. 2, lines 12-61; col. 5, lines 5-65).
- Selecting from a plurality of pickup points a pickup point based on the route: determining the location of a facility that best fits the needs of the mobile customer (see at least col. 2, lines 40-61; col. 5, lines 5-65).

- Reference points: telephone number, geographic location (please note examiner's interpretation: coordinates of an address) (see at least col. 6, lines 30-35).
- Server: service provider's system (SPS) (see at least col. 6, lines 6-20).
- Dispatching a portable locker station to the pickup point, the portable locker enclosing the ordered product:

Hall teaches all the above as noted under the 103(a) rejection and teaches a) directing a mobile customer to the nearest facility that can provide a service using GPS, b) busy people seeking ways to save time and being easily frustrated when they have to wait lengthy periods of time to receive goods or services from a service provider (see at least col. 1, lines 13-16), c) technology designed to reduce the amount of time people spend completing routine tasks (see at least col. 1, lines 22-25), d) today's consumers increasingly demanding that service providers deliver goods and services with a minimal amount of time spent and often choosing to patronize the service provider that promises the quickest response time (see at least col. 1, lines 33-38), and e) preferably, the local facility is the facility nearest geographically to the customer's location at the time of the order or a facility that is convenient to the customer's planned travel route, such as on the way home from work (please note examiner's interpretation: channel width of a commuting route) (see at least col. 9, lines 26-31). Hall, however, does not disclose dispatching a portable

locker to the pickup point enclosing the ordered product. Stevens teaches a package storage and delivery system that provides stackable lockers delivered to a pickup point and delivering additional locker(s) if deliveries do not fit into a single locker (see at least col. 1, lines 20-23). Stevens teaches each locker having an electronically controlled lock used by the customer to retrieve the ordered goods. Stevens teaches these portable lockers being placed according to geographic position coordinates (e.g. airport area code, zip code) and being located using GPS, and positioning these along locations determined by the system or by the customer's commuting route (e.g. customer's home) (see at least abstract; Fig. 1 (34, 35); Fig. 3 (60-63); col. 1, lines 12-63; col. 2, lines 55-58). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Hall to deliver a portable locker with customer accessible electronic lock to a convenient pickup point enclosing the ordered product as taught by Stevens, in order to deliver purchased goods along a customer's route, and thereby further minimize customer waiting time by delivering along a customer's commuting route rather than potentially routing a customer to a location not on the customer's commuting route.

Hall teaches all the above as noted under the 103(a) rejection and teaches a) directing a mobile customer to the nearest facility that can provide a service using GPS, and b) facilities including but not limited to

fast food restaurants, a pharmacy, and other places of business (see at least col. 5, lines 8-20). Hall, however, does not disclose routing based on sub-routes. Stevens teaches all the above as noted under the 103(a) rejection and teaches a) some economy of effort can be accomplished by selecting a reference point such as the airport which might be used to deliver a courier package for an address, b) once the airport reference point is selected, it is a straightforward matter to define latitude and longitude relative to that point rather than relative to the usual global origin (please note examiner's interpretation: sub-routes used to reach destination), and c) the shortest distance between two geographic coordinates on a geographic grid is a straight line (see at least Fig. 1 (30, 31, 32 and 30, 36, 37); col. 2, lines 18-24). Therefore it would have been obvious to modify the method of Hall to disclose use of sub-routes and shortest distances traveled as taught by Stevens, in order to route customers based on the shortest direct route to a pick-up point, and thereby attract customers to the service.

Hall and Stevens teach all the above as noted under the 103(a) rejection and teach a) directing a mobile customer to the nearest facility that can provide a service using GPS, b) facilities including but not limited to fast food restaurants, a pharmacy, and other places of business (see at least col. 5, lines 8-20), and c) selecting a reference point such as the airport, but do not specifically disclose routing based on landmarks. It

would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Hall and Stevens to disclose use of landmarks, since it is well within the skill to ascertain that fast food restaurants, airports, and places of business (e.g. local pharmacy) are useful landmarks in describing a route to a destination near such landmarks.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,343,317 (Glorikian) 29 January 2002; teaches a system for delivering position related information from a data repository.
- US 6,688,435 (Will et al.) 10 February 2004; teaches electronic ordering of goods with delivery by automatic drive-up storage device.
- US 5,559,707 (DeLorme et al.) 24 September 1996; teaches a computer-aided routing system using waypoints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

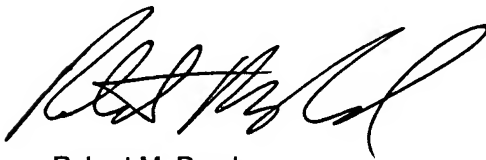
Washington D.C. 20231

Art Unit: 3625

or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized flourish at the end.

Robert M. Pond
Patent Examiner
October 13, 2004